

# **EXHIBIT A**

Jun. 16. 2011 4:17PM

No. 8219 P. 2

**STARK & STARK**

Princeton Pike Corporate Center  
 993 Lenox Drive, Building 2  
 P.O. Box 5315  
 Princeton, NJ 08543-5315  
 Office Telephone Number: (609) 896-9060  
Attorney(s) for Plaintiff(s)

THE ESTATE OF MARIE BENEZIANO,  
 et al.

Plaintiff(s),

vs.

SUNRISE OF LINCROFT, et al.

Defendant(s)

SUPERIOR COURT OF NEW JERSEY  
 MONMOUTH COUNTY  
 LAW DIVISION

Docket No. MON-L-001916-11

**CIVIL ACTION  
 SUMMONS**

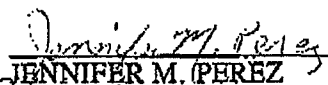
From The State of New Jersey  
 To The Defendant(s) Named Above: **Prime Care Corp.**

The Plaintiff(s), named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529.) A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services.

STARK & STARK  
 PROFESSIONAL CORPORATION  
 ATTORNEYS AT LAW  
 MAILING ADDRESS  
 PO BOX 5015  
 TRENTON, NEW JERSEY 08643-5015

  
**JENNIFER M. PEREZ**  
 Acting Clerk of the Superior Court

**DATED: June 1, 2011**  
 Name of Defendant to be served:  
 Address of Defendant to be served:

Prime Care Corp.  
 c/o Sunrise at West Essex Assisted Living  
 47 Greenbrook Road, Fairfield, NJ 07004

MONMOUTH COUNTY  
SUPERIOR COURT  
PO BOX 1269  
FREEHOLD

NJ 07728

COURT TELEPHONE NO. (732) 677-4240  
COURT HOURS  
TRACK ASSIGNMENT NOTICE

DATE: APRIL 21, 2011  
RE: BENEZIANO ESTATE OF VS SUNRISE OF LINCOLN ESTATE  
DOCKET: MON L -001916 11

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON DAVID F. BAUMAN

IF YOU HAVE ANY QUESTIONS, CONTACT TERN 002  
AT: (732) 677-4249 EXT 4249.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:58-2.

ATTENTION:

ATT: DAVID R. COHEN  
STARK & STARK  
993 LENOX DRIVE  
LAWRENCEVILLE NJ 08648-2316

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# **CIVIL CASE INFORMATION STATEMENT (CIS)**

Use for Initial Law Division  
Civil Part pleadings (not motions) under Rule 4:5-1.  
Pleading will be rejected for filing, under Rule 1:5-6(c),  
if information above the black bar is not completed or  
if attorney's signature is not affixed.

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: CK CG CA

CHG / CK NO.

AMOUNT:

OVERPAYMENT:

BATCHNUMBER:

ATTORNEY NAME David R. Cohen	TELEPHONE NUMBER (609) 896-9060	COUNTY OF VENUE Monmouth
FIRM NAME (If Applicable) STARK & STARK, A Professional Corporation		DOCKET NUMBER (When Available)
OFFICE ADDRESS Princeton Pike Corporate Center 993 Lenox Drive CN 5315 Princeton, New Jersey 08543-5315		DOCUMENT TYPE: Complaint
NAME OF PARTY (e.g., John Doe, Plaintiff) Estate of Marie Beneziano, Plaintiff		CAPTION Re: Estate of Marie Beneziano vs. Sunrise of Lincroft, et al.
CASE TYPE NUMBER (See reverse side for listing) 607	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YOU HAVE CHECKED "YES", SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN  <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

## CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, IS THAT RELATIONSHIP <input type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FAMILIAL <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> BUSINESS <input type="checkbox"/> OTHER (explain)
--------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY  
THE LOSING PARTY? ☒ Yes ☐ No

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS  
THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:

DO YOU OR YOUR CLIENT NEED ANY DISABILITIES ACCOMMODATIONS?

☐ Yes ☒ No IF YES, PLEASE IDENTIFY:

WILL AN INTERPRETER BE NEEDED?

☐ Yes ☒ No IF YES, FOR WHAT LANGUAGE:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be  
redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

ATTORNEY SIGNATURE

David R. Cohen, Esquire

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Side 2



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

## Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 508 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

## Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

## Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

## Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 506 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

## Centrally Managed Litigation (Track IV)

- 280 ZELNORM
- 285 STRYKER TRIDENT HIP IMPLANTS
- 286 PRUDENTIAL TORT LITIGATION

- 290 POMPTON LAKES ENVIRONMENTAL LITIGATION
- 291 PELVIC MESH (Johnson & Johnson)
- 292 PELVIC MESH (Bard)

## Mass Tort (Track IV)

- 246 CIBA GEIGY
- 288 HORMONE REPLACEMENT THERAPY (HRT)
- 271 ACCUTANE
- 274 RISPERDAL/SEROQUEL/ZYPREXA
- 275 ORTHO EVRA
- 277 MAHWAH TOXIC DUMP SITE
- 278 ZOMETHA/ARELIA
- 279 GADOLINIUM

- 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL
- 282 FOSAMAX
- 283 DIGITEK
- 284 NUVARING
- 286 LEVAQUIN
- 287 YAZ/YASMIN/OCELLA
- 601 ASBESTOS

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

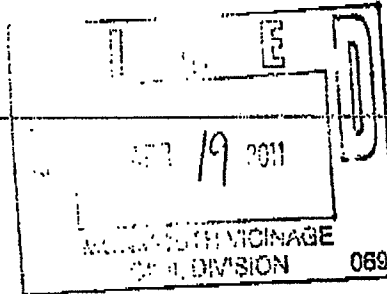
Please check off each applicable category

☐ Putative Class Action☐ Title 59

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**STARK & STARK**  
Princeton Pike Corporate Center  
993 Lenox Drive, Building 2  
P.O. Box 5315  
Princeton, NJ 08543-5315  
(609) 896-9060  
By: David R. Cohen, Esquire  
Attorney(s) for: Plaintiff(s)



The ESTATE OF MARIE BENEZIANO, by  
and through her Executrices, DIANE QUADE  
and SUSAN PROVENCE

Plaintiff(s)

vs.

SUNRISE OF LINCROFT;  
PRIME CARE ONE, LLC;  
PCI, LLC;  
PRIME CARE CORP.;  
SUNRISE SENIOR LIVING, INC;  
SUNRISE SENIOR LIVING  
MANAGEMENT, INC;  
ABC COMPANIES (1-10);  
DEF PARTNERSHIPS (1-10);  
JOHN DOE PHYSICIANS (1-10);  
JANE DOE NURSES (1-20);  
JANE MOE TECHNICIANS (1-10) AND  
CNAs AND PARAMEDICAL EMPLOYEES  
(1-20);

Defendant(s)

SUPERIOR COURT OF  
NEW JERSEY

MONMOUTH COUNTY  
LAW DIVISION

Docket No. mon-L-1916-11

CIVIL ACTION

COMPLAINT

JURY DEMAND

DEMAND FOR PRODUCTION  
OF COMPLETE CERTIFIED  
COLOR COPY OF MEDICAL  
AND NURSING RECORDS AND  
ANY PHOTOGRAPHS

DEMAND FOR NURSE AIDES'  
RECORDS

DEMAND FOR PRODUCTION  
OF POLICIES AND  
PROCEDURES

DEMAND FOR ANSWERS TO  
FORM C AND C(3)  
INTERROGATORIES

DEMAND FOR ANSWERS TO  
SUPPLEMENTAL  
INTERROGATORIES

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MAILING ADDRESS  
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Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her  
 Executrices, DIANE QUADE and SUSAN PROVENCE, residing at 116 Broadway Ave,  
 Freehold, State of New Jersey, by way of Complaint, say:

**FACTS COMMON TO ALL COUNTS**

1. Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); at all relevant times owned, directed, leased, managed, controlled, supervised and/or otherwise operated an assisted living facility licensed nursing home, long term health care facility and/or a nursing facility of the State of New Jersey as defined by N.J.S.A. 30:13-2(c), N.J.A.C. 8:36-1.3, N.J.A.C. 8:39-1.2 and 42 C.F.R., Section 483.5, respectively, and are/were otherwise subject to the requirements of State and Federal law, with offices/facilities located at 734 Newman Springs Road, Lincroft, State of New Jersey; and held themselves out to the public as such.

2. Plaintiff's decedent, MARIE BENEZIANO, from on or about February 23, 2008, through on or about May 7, 2009, and at all relevant times, was a resident of Defendant facility commonly known as SUNRISE OF LINCROFT.

3. On or about said dates and at all relevant times, Defendants, ABC COMPANIES (1-10) and DEF PARTNERSHIPS (1-10), are fictitious designations, representing one or more individuals, sole proprietorships, associations, management companies, limited partnerships, general partnerships, limited liability companies and/or

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 1000 NEW YORK AVENUE  
 NEW YORK, NY 10022

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corporations, who are liable for the negligent acts and/or omissions of all of the Defendants named in this Complaint and whose business/corporate entities are presently unknown to the Plaintiff, and who provided negligent services and deviated from the accepted standard of care with respect to Plaintiff's decedent, MARIE BENEZIANO, causing the damages, losses, and injuries set forth in this complaint.

4. On or about said dates and at all relevant times, Defendants, JOHN DOE PHYSICIANS (1-10), were physicians who are at present unknown to the Plaintiff herein and are thus fictitiously designated, and who provided negligent services and deviated from the accepted standard of care with respect to Plaintiff's decedent, MARIE BENEZIANO, causing the damages, losses, and injuries set forth in this Complaint.

5. On or about said dates and at all relevant times, Defendants, JANE DOE NURSES (1-20), were nurses who are at present unknown to the Plaintiff and are thus fictitiously designated, and who provided negligent services and deviated from the accepted standard of care with respect to Plaintiff's decedent, MARIE BENEZIANO, causing the damages, losses, and injuries set forth in this Complaint.

6. On or about said dates and at all relevant times, Defendants, JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20), were technicians, CNAs, nurse aides and/or paramedical employees who are at present unknown to the Plaintiff and are thus fictitiously designated, and who provided negligent services and deviated from the accepted standard of care with respect to Plaintiff's decedent, MARIE BENEZIANO, causing the damages, losses, and injuries set forth in this Complaint.

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ATTORNEYS AT LAW  
MARION, INDIANA  
FOUNDED 1904  
OFFICE: 317.261.1111  
FAX: 317.261.1112



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7. On or about said dates and at all relevant times, under New Jersey and Federal laws, regulations and/or administrative codes, Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); its corporate officers, designees, directors, agents, servants and/or employees, were solely responsible for the nursing and medical care and treatment of Plaintiff's decedent, MARIE BENEZIANO, and had a non-delegable duty to exercise reasonable care toward her and to comply with accepted standards.

8. In addition to being directly liable for the wrongful acts detailed herein, Plaintiff pleads that Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); are also indirectly liable and responsible for each and every act and omission stated herein and the resulting damages. More specifically, Defendants are indirectly liable and responsible for the wrongful conduct detailed herein under one or more of the following alternative legal theories:

a) Alter Ego: At all times material to this lawsuit, Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE

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MARLBOROUGH, MASSACHUSETTS  
JULIE M. STARK, ESQ.  
JULIE M. STARK, ESQ.

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CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); were alter egos of one another. Furthermore, Defendant, SUNRISE OF LINCROFT, was a subsidiary and the alter ego of the other Defendants. Defendant, SUNRISE OF LINCROFT, was a mere conduit through which the other Defendants did business and the management and operations of SUNRISE OF LINCROFT were so assimilated within the other Defendants that SUNRISE OF LINCROFT was simply a name through which the other Defendants conducted their business. Moreover, Defendants represented to the public that SUNRISE OF LINCROFT was part of one single economic enterprise. The other Defendants dominated and controlled the business affairs of SUNRISE OF LINCROFT such that SUNRISE OF LINCROFT was organized and operated as a tool of the other Defendants.

b) Agency: At all times material to this lawsuit, Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); acted as agents for one another and ratified or authorized the acts or omissions of one or more of the other Defendants. Defendants held themselves out as being one unified enterprise and operation known as SUNRISE OF LINCROFT.

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NEW YORK, NEW YORK  
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FAX: 212-691-1001  
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c). Joint Enterprise: In the alternative, to the extent that

Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); are found to be separate legal entities, Defendants each remain liable for the acts and omissions of each other because the Defendants engaged in a joint venture and enterprise to act in concert in the operation, management, and maintenance of the Defendant facility. Defendants agreed to a common purpose of operating, managing, and maintaining the Defendant facility. Defendants had equal rights to control their venture as a whole, as well as to control the operation and management of Defendant facility.

**COUNT ONE**  
**Negligence**

9. Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby incorporates each and every allegation contained in paragraphs 1- 8 of this Complaint as if set forth at length herein.

10. On or about said dates and at all relevant times, the Plaintiff's decedent, MARIE BENEZIANO, was under the care of said Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND

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ATTORNEYS AT LAW  
HALLING JACOBSON  
NEW YORK

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PARAMEDICAL EMPLOYEES (1-20); its corporate officers, designees, directors, agents, servants and/or employees were solely responsible for the nursing and medical care and treatment of Plaintiff's decedent, MARIE BENEZIANO, and had a non-delegable duty to exercise reasonable care toward her and to comply with accepted standards.

11. On or about said dates and/or at all other legally compensable times, each and all of the Defendants deviated from the standard of care applicable to them in their respective capacities and each and all of the Defendants were negligent, exercised willful and wanton disregard for the safety and well being of Plaintiff's decedent, MARIE BENEZIANO, were grossly negligent, failed to allocate sufficient resources to adequately provide for Plaintiff's decedent, and otherwise failed to exercise reasonable care toward the Plaintiff's decedent, MARIE BENEZIANO.

12. As a proximate result of the numerous said deviations, carelessness, recklessness, misconduct and negligence by each and all of the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); the Plaintiff's decedent, MARIE BENEZIANO, while on the premises and/or under the care of Defendants, suffered, endured, and experienced, including but not limited to: improper treatments, an inadequate service plan, bruises, lacerations, a lack of allocation of resources from the managers and/or owners and/or administrators of the facility, extreme

STARK & STARK  
ATTORNEYS AT LAW  
WASHINGTON, DC  
BY: [Signature]  
DATE: 07/15/11

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pain and discomfort, mental and emotional anguish, a significant life, deprivation of dignity, general neglect and lack of care; her expenses for medical care and treatment, and has ultimate premature death.

13. The Estate of Plaintiff's decedent, MARIE BENEFZIANO and in fact paid for funeral and burial expenses and charges for MARIE BENEZIANO.

14. The Plaintiff's decedent, MARIE BENEZIANO members, including but not limited to, her daughters, DIANE PROVENCE, who by reason of Plaintiff's decedent's wrong Prior to the death of Plaintiff's decedent, MARIE BENEZIANO DIANE QUADE AND SUSAN PROVENCE were deprived companionship of Plaintiff's decedent, MARIE BENEZIANO

15. Plaintiff brings this action pursuant to the pre Wrongful Death Act, N.J.S.A. 2A:31-1, et seq., for the benefit of Plaintiff's decedent, MARIE BENEZIANO, and pursuant to

16. This action is commenced within two (2) years of the death of Plaintiff's decedent, which occurred on or about May 7, 2009.

WHEREFORE, Plaintiff, The ESTATE OF MARIE BENEFZIANO through her Executrices, DIANE QUADE and SUSAN PROVENCE, seeks damages generally against the Defendants, SUNRISE CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING MANAGEMENT, INC;

STARK & STARK  
A NATIONAL FIRM  
ATTORNEYS AT LAW  
HARTFORD, CONNECTICUT  
FOUNDED 1900  
INSTITUTIONAL INVESTMENT ADVISORS

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pain and discomfort, mental and emotional anguish, a significantly decreased quality of

life, deprivation of dignity, general neglect and lack of care; has incurred substantial costs and expenses for medical care and treatment, and has ultimately suffered an untimely and premature death.

13. The Estate of Plaintiff's decedent, MARIE BENEZIANO, was liable for, and in fact paid for funeral and burial expenses and charges for the Plaintiff's decedent, MARIE BENEZIANO.

14. The Plaintiff's decedent, MARIE BENEZIANO, left multiple family members, including but not limited to, her daughters, DIANE QUADE AND SUSAN PROVENCE, who by reason of Plaintiff's decedent's wrongful death, have suffered. Prior to the death of Plaintiff's decedent, MARIE BENEZIANO, and subsequent thereto, DIANE QUADE AND SUSAN PROVENCE were deprived of the society and companionship of Plaintiff's decedent, MARIE BENEZIANO.

15. Plaintiff brings this action pursuant to the provision of the New Jersey Wrongful Death Act, N.J.S.A. 2A:31-1, et seq., for the benefit of the next of kin of the Plaintiff's decedent, MARIE BENEZIANO, and pursuant to N.J.S.A. 2A-15-3.

16. This action is commenced within two (2) years of the death of Plaintiff's decedent, which occurred on or about May 7, 2009.

WHEREFORE, Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, demands judgment for damages generally against the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10);

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DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES

(1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); individually, jointly, severally, or in the alternative, together with attorney's fees, interest, and costs of suit.

**COUNT TWO**  
**Negligence Per Se**

17. Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby incorporates each and every allegation contained in paragraphs 1- 16 of this Complaint as if set forth at length herein.

18. In addition to the aforementioned negligent acts contained in Count One of this Complaint, the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); violated the Omnibus Budget Reconciliation Act (O.B.R.A.) (1987), 42 C.F.R. §483 et seq.; as well as New Jersey Statutes and Regulations including but not limited to New Jersey Administrative Code, 8:36-1 et seq., which establish the minimum standards of care to be followed by Defendants, including but not limited to the following:

a. Pursuant to 42 C.F.R., Section 483.10, the Defendants and their staff had a duty to assure that residents' rights were followed and to assure that each

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resident, including Plaintiff, had a dignified existence and the right to exercise her rights as a resident and citizen of the United States.

b. Pursuant to 42 C.F.R., Section 483.13(c) the Defendants and their staff had a duty to develop and implement written policies and procedures that prohibit resident neglect.

c. Pursuant to 42 C.F.R., Section 483.15(a), the facility must promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of her or her individuality.

d. Pursuant to 42 C.F.R., Section 483.20 the defendants and their staff had a duty and obligation to conduct initially and periodically a comprehensive, accurate, standardized and reproducible assessments of each resident's functional capacity.

e. Pursuant to 42 C.F.R., Section 483.25(h), the defendants and their staff had a duty to insure that the resident's environment remained free of accident hazards and that each resident received adequate supervision and assistance to prevent accidents.

f. Pursuant to 42 C.F.R., Section 483.30, the Defendants and their staff had a duty to provide sufficient nursing staff to provide nursing and related services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by the resident's assessment and individual plans of care.

g. Pursuant to 42 C.F.R., Section 483.75, the Defendants and their staff had a duty to administer the nursing home in a manner that enabled it to use its

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resources effectively and efficiently to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident. The facility is further required to operate and provide services and compliance with all applicable federal, state and local laws, regulations, and codes with accepted professional standards.

h. Pursuant to N.J.A.C. 8:36-4.1(a)(2), each resident is entitled to receive a level of care and services that address the resident's changing physical and psycho-social status.

i. Pursuant to N.J.A.C. 8:36-4.1(a)(3), each resident is entitled to be treated with respect, courtesy, consideration and dignity.

j. Pursuant to N.J.A.C. 8:36-4.1(a)(16), each resident is entitled to be free from physical and mental abuse and/or neglect.

k. Pursuant to N.J.A.C. 8:36-4.1(22), each resident is entitled to live in safe and clean conditions in a facility that does not admit more residents than it can safely accommodate while providing services and care.

l. Pursuant to N.J.A.C. 8:36-5.1(d), the facility shall provide nursing services to maintain residents, including residents who require nursing home level of care.

m. Pursuant to N.J.A.C. 8:36-5.1(c), the facility shall employ staff in sufficient number and with sufficient ability and training to provide the basic resident care, assistance, and supervision required, based on assessment of the acuity of the resident's needs.

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TREASURER  
COMMISSIONER  
DEPARTMENT OF TREASURY

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n. Pursuant to N.J.A.C. 8:36-7.3, the facility shall review the general and health service plan as needed based upon the resident's response to the care provided and any changes in the resident's physical or cognitive status.

o. Pursuant to any other State or Federal statutes, rules, or regulations as may be defined in discovery.

19. Each and all of the Defendants deviated from the aforementioned standard of care applicable to them in their respective capacities and each and all of the Defendants were negligent and failed to exercise reasonable care toward the Plaintiff's decedent, MARIE BENEZIANO.

20. The aforesaid acts of negligence were due solely to the negligence and carelessness of the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); and acting as aforesaid, were due in no manner whatsoever to any act or failure to act on the part of the Plaintiff's decedent, MARIE BENEZIANO.

21. Plaintiff's decedent, MARIE BENEZIANO, is amongst the class of persons the aforementioned State and Federal administrative statutes and/or codes and/or regulations were designed to protect. As such, Plaintiff asserts that she is entitled to adopt such as the standard of care governing Defendants' conduct in this matter. Thus, Plaintiff asserts that as a matter of law, Defendants' alleged conduct amounted to negligence *per se*.

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22. As a direct and proximate result of the aforesaid negligence and breaches in the standard of care, Plaintiff's decedent suffered, endured, and experienced, including but not limited to: improper treatments, an inadequate service plan, bruises, lacerations, a lack of allocation of resources from the managers and/or owners and/or administrators of the facility, extreme pain and discomfort, mental and emotional anguish, a significantly decreased quality of life, deprivation of dignity, general neglect and lack of care; has incurred substantial costs and expenses for medical care and treatment; and has ultimately suffered an untimely and premature death.

WHEREFORE, Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, demands judgment for damages generally against the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); individually, jointly, severally, or in the alternative, together with attorney's fees, interest, and costs of suit.

### COUNT THREE

#### New Jersey Nursing Home Responsibilities and Rights of Residents Act

23. Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby incorporates each and every allegation contained in paragraphs 1- 22 of this Complaint as if set forth at length herein.

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24. At all relevant times, Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); operated a "nursing home" as defined by N.J.S.A. 30:13-2(c).

25. At all relevant times, Plaintiff's decedent, MARIE BENEZIANO, was a "resident" of Defendant's facility as defined by N.J.S.A. 30:13-2(e).

26. Pursuant to N.J.S.A. 30:13-1, et seq., Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); were at all times required to comply with the New Jersey Nursing Home Responsibilities and Rights of Residents Act.

27. Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); failed to ensure, preserve and/or otherwise provide for the rights of Plaintiff's decedent, MARIE BENEZIANO, as enumerated in N.J.S.A. 30:13-1, et. seq. and New Jersey Common Law.

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28. As a direct and proximate result of the violations of N.J.S.A. 30:13-1, et seq., Plaintiff's decedent, MARIE BENEZIANO, suffered, endured, and experienced, including but not limited to: improper treatments, an inadequate service plan, bruises, lacerations, a lack of allocation of resources from the managers and/or owners and/or administrators of the facility, extreme pain and discomfort, mental and emotional anguish, a significantly decreased quality of life, deprivation of dignity, general neglect and lack of care; has incurred substantial costs and expenses for medical care and treatment; and has ultimately suffered an untimely and premature death.

29. The acts and omissions of Defendants, referenced in this Count in violation of N.J.S.A. 30:13-1, et seq., including N.J.S.A. 30:13-5(a-m), are sufficient under New Jersey Common Law, Federal Law, and under N.J.S.A. 30:13-4.2 and N.J.S.A. 30:13-8, to constitute a claim for general damages, compensatory damages, punitive damages, attorney's fees, interest, and costs of suit.

WHEREFORE, Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, demands judgment for general, compensatory and punitive damages, against the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); individually, jointly, severally, or in the alternative, together with attorney's fees, interest, and costs of suit.

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**COUNT FOUR**  
**Consumer Fraud**

30. Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby incorporates each and every allegation contained in paragraphs 1- 29 of this Complaint as if set forth at length herein.

31. The actions of the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); and their representations and misrepresentations regarding the level of care to be delivered by their facilities to Plaintiff's decedent, were in fact known to be false by the Defendants at the time they were so made.

32. At all times relevant times, Defendants falsely, fraudulently, and with intent to defraud, represented to Plaintiff's decedent, MARIE BENEZIANO, and her family, that Defendants would provide an excellent quality of care and follow the accepted standards of care related to the care and treatment of an assisted living resident.

33. Plaintiff's decedent and family reasonably relied and acted upon the representations made by the Defendants.

34. As a result of the Defendants' deliberate and knowing misrepresentations and omissions concerning the quality of care to be delivered to Plaintiff's decedent, MARIE BENEZIANO, by Defendants' facilities, Plaintiff's decedent suffered damages.

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WHEREFORE, Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, demands judgment against the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); for compensatory and punitive damages, together with interest, costs of suit, attorney's fees, and any such other additional relief as this Court may deem necessary and proper.

**COUNT FIVE**  
**Negligent Supervision**

35. Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby incorporates each and every allegation contained in paragraphs 1- 34 of this Complaint as if set forth at length herein.

36. At all relevant times hereto, Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); knew or should have known that their residents were elderly and/or disabled and in need of particular care and supervision.

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37. Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI,

LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); failed to exercise adequate care in the supervision of their elderly and/or disabled residents, such as the Plaintiff's decedent, MARIE BENEZIANO, to whom they owed such a duty.

38. As a direct and proximate result of the aforesaid carelessness, recklessness and negligence of the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); the Plaintiff, MARIE BENEZIANO, sustained severe personal injuries of both a permanent and temporary nature, was forced to endure great pain and suffering, and was forced to incur medical expenses for the care and treatment of said injuries; and has ultimately suffered an untimely and premature death.

WHEREFORE, Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, demands judgment for general, compensatory and punitive damages, against the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC

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COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); individually, jointly, severally, or in the alternative, together with attorney's fees, interest, and costs of suit.

**COUNT SIX**  
**Negligent Hiring**

39. Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby incorporates each and every allegation contained in paragraphs 1- 38 of this Complaint as if set forth at length herein.

40. Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); are responsible for hiring competent administrators, supervisors, managers, nurses, CNAs and any other personnel necessary to oversee and monitor the treatment at SUNRISE OF LINCROFT of its residents such as Plaintiff's decedent, MARIE BENEZIANO.

41. The administrators, managers, supervisors, nurses, CNAs and other personnel hired by Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-

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20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL

EMPLOYEES (1-20); failed to exercise due care in monitoring the residents.

42. Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); is/are liable for the negligence, carelessness and recklessness of its employees and agents under the doctrine of *Respondeat Superior*.

43. As a direct and proximate result of the aforesaid negligence, carelessness and recklessness of Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); the Plaintiff's decedent, MARIE BENEZIANO, sustained severe personal injuries of both a permanent and temporary nature, was forced to endure great pain and suffering; was forced to incur medical expenses for her care and treatment of her injuries; and has ultimately suffered an untimely and premature death.

WHEREFORE, Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, demands judgment for general, compensatory and punitive damages, against the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE

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SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); individually, jointly, severally, or in the alternative, together with attorney's fees, interest, and costs of suit.

**COUNT SEVEN**  
**Breach of Contract**

44. Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby incorporates each and every allegation contained in paragraphs 1- 43 of this Complaint as if set forth at length herein.

45. At the time of admission, Plaintiff's decedent, MARIE BENEZIANO, entered into a contract with Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20). By virtue of this contract, Defendants agreed to provide reasonable and safe care for Plaintiff's decedent, MARIE BENEZIANO. Pursuant to the contractual agreement, and by operation of law, Defendants agreed to and were obligated to provide appropriate care to Plaintiff's decedent, MARIE BENEZIANO, including but not limited to adequate nursing, rehabilitative, dietary, custodial and psychosocial care.

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46. Furthermore, the contract, by operation of law, required the facility to comply with all State and Federal regulations covering long term care facilities. Thus, Defendants were required to comply with the provisions of 42 C.F.R., Section 483.10 *et seq.*, 42 U.S.C., Section 1396 *et seq.*, N.J.A.C. 8:36 *et seq.*, and N.J.S.A. 30:13-1 *et seq.* as part of its contract with Plaintiff's decedent, MARIE BENEZIANO.

47. In consideration for these services described above, Plaintiff agreed to pay and did pay a daily rate to the Defendants and further agreed to pay for additional services, charges, medications and equipment.

48. The Defendants, by virtue of the acts described above, breached the above-referenced contract by failing to provide Plaintiff's decedent, MARIE BENEZIANO, with a safe and secure residence, by failing to provide proper and adequate care, by failing to provide promised goods and services, and by failing to prevent Plaintiff's decedent, MARIE BENEZIANO, from suffering injury and damages.

49. As a direct and proximate result of the aforesaid breach of contract, the Plaintiff's decedent, MARIE BENEZIANO, sustained monetary damages in the form of monies paid to Defendants and pursuant to the contract, sustained additional consequential damages arising out of the breach of contract including additional expenses incurred for the care and treatment of Plaintiff's decedent, MARIE BENEZIANO, and sustained attorney's fees, costs and other out-of-pocket expenses.

WHEREFORE, Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, demands judgment for compensatory damages, attorney's fees, interest, and costs of suit against the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME

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CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); individually, jointly, severally, or in the alternative, and for such other and further relief as the Court may deem equitable, appropriate and just.

**COUNT EIGHT**  
**Punitive Damages**

50. Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby incorporates each and every allegation contained in paragraphs 1- 49 of this Complaint as if set forth at length herein.

51. The aforementioned acts of the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); were outrageous and performed willfully, wantonly and with complete disregard for the rights of the Plaintiff's decedent, MARIE BENEZIANO, and in reckless indifference to the rights of others, specifically, Plaintiff's decedent, MARIE BENEZIANO, and her family, and those acts further shocked the conscience of the community.

52. As a direct and proximate result of the aforesaid outrageous, willful and wanton acts, and complete disregard for Plaintiff's decedent, MARIE BENEZIANO, by

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Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); the Plaintiff's decedent, MARIE BENEZIANO, sustained severe personal injuries of both a permanent and temporary nature; was forced to endure great pain and suffering, and was forced to incur medical expenses for her care and treatment for her injuries; and has ultimately suffered an untimely and premature death.

WHEREFORE, Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, demands judgment for compensatory damages, attorney's fees, interest, and costs of suit against the Defendants, SUNRISE OF LINCROFT; PRIME CARE ONE, LLC; PCI, LLC; PRIME CARE CORP.; SUNRISE SENIOR LIVING, INC; SUNRISE SENIOR LIVING MANAGEMENT, INC; ABC COMPANIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JANE DOE NURSES (1-20); and JANE MOE TECHNICIANS (1-10) AND CNAs AND PARAMEDICAL EMPLOYEES (1-20); individually, jointly, severally, or in the alternative, and for such other and further relief as the Court may deem equitable, appropriate and just.

**STARK & STARK**  
A Professional Corporation  
Attorneys for Plaintiff(s)

By:   
David R. Cohen, Esq.

Dated: April 14, 2011

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A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
MAILING ADDRESS  
PO BOX 1115  
NEW YORK, NEW JERSEY 07001-0115

Jun. 16. 2011 4:27PM

No. 8219 P. 31

**JURY DEMAND**

Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby demands a trial by jury as to all issues.

**CERTIFICATION**

Pursuant to the provisions of Rule 4:5-1, the undersigned attorneys certify that this matter is not the subject of any other action pending in any court or arbitration proceeding, nor is any other action or arbitration proceeding contemplated, and all known necessary parties have been joined in this action.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to the provisions of Rule 4:25-4 the Court is advised that David R. Cohen, Esq. is hereby designated as trial counsel.

**DEMAND FOR PRODUCTION OF COMPLETE CERTIFIED COLOR COPY OF MEDICAL AND NURSING RECORDS OF MARIE BENEZIANO AND ANY PHOTOGRAPHS**

Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby demands a certified, colored copy of Defendant's entire and complete medical records and chart, incident reports, adverse event reports, and color photographs, for MARIE BENEZIANO, be produced as they are kept in the usual course of business pursuant to R4:18-1(b)(1) and within the time period set out in Rule 4:18-1(b).

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Jun. 16. 2011 4:27PM

No. 8219 P. 32

**DEMAND FOR PRODUCTION OF CERTIFIED COPY OF NURSE AIDES'  
RECORDS**

Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby demands a certified, complete copy of all nurse aide flow sheets and/or any documents completed and/or signed by nurse aides pertaining to care and treatment of MARIE BENEZIANO during her time at defendant's facility. The records shall be produced as they are kept in the usual course of business pursuant to R4:18-1(b)(1) and within the time period set out in Rule 4:18-1(b).

**DEMAND FOR PRODUCTION OF ALL POLICIES AND PROCEDURES**

Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby demands a copy of all applicable Policies and Procedures relating to resident care and monitoring for all facilities, from 2008 through 2010.

**DEMAND FOR ANSWERS TO FORM C and C(3) INTERROGATORIES**

Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby demands answers to Form C Interrogatories in accordance with R4:17(b)(2). Plaintiff further demands complete answers to all interrogatories pursuant to R4:17(b)(4).

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Jun. 16. 2011 4:27PM

No. 8219 P. 33

**DEMAND FOR ANSWERS TO SUPPLEMENTAL INTERROGATORIES**

Plaintiff, The ESTATE OF MARIE BENEZIANO, by and through her Executrices, DIANE QUADE and SUSAN PROVENCE, hereby demands answers to the following Supplemental Interrogatories in accordance with R4:17(b)(1):

1. Please provide typewritten, legible, complete names of every lead care manager, care manager, physician, physicians assistant, RN, LPN, advanced nurse practitioner, nurse aide, and any other employee and/or agency nurse who signed the chart relating to MARIE BENEZIANO. Additionally, indicate whether each individual is an employee of defendant facility and if not provide their last known address, telephone number and social security number, and if defendant facility is claiming the individual is part of the litigation control group.

2. Please identify the name of the current administrator/executive director, assisted living coordinator, and director of nursing (or equivalent position) at defendant facility. Additionally, please identify the names of the administrators/executive directors, assisted living coordinators, and directors of nursing at defendant facility during the time in which MARIE BENEZIANO was a resident. Additionally, indicate whether each individual is an employee of defendant facility and if not provide their last known address, telephone number and social security number, and if defendant facility is claiming the individual is part of the litigation control group.

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3. If answering defendant has ever been a named defendant in any other litigation, please provide: date(s) of filing of complaint(s); name of plaintiff's attorney; case caption to include docket number, state and county of venue; and names of all defense attorneys.

4. Please provide any and all electronic mail (e-mail), electronically stored communications, and/or electronically stored information, regarding MARIE BENEZIANO.

**STARK & STARK**  
A Professional Corporation  
Attorneys for Plaintiff(s)

By   
David R. Cohen, Esq.

Dated: April 14, 2011

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UNION, NEW JERSEY 07081

Jun. 16. 2011 4:27PM

No. 8219 P. 35

**Affidavit of Merit**Re: The Estate of Marie Beneziano v. Sunrise at Lincroft Assisted Living

I, Bonnie Tadrick RN-BC, LNC, CWCA, having been duly sworn according to the law, do hereby declare the following:

1. That I hold an active license as a Registered Nurse, licensed in the state of New Jersey and actively practicing since 1979.
2. That I have no financial interest in the outcome of the case under review.
3. That upon completion of my review of the medical records made available to me, it is my professional opinion that to within a reasonable degree of nursing probability the care, skill, or knowledge exercised or exhibited in the treatment, practice, or work performed by Sunrise at Lincroft Assisted Living in their care and treatment of Marie Beneziano fell outside acceptable standards of practice.
4. That this Affidavit is not intended to encompass all acts or omissions, which might fall below the acceptable standard of care, which might have been owed to Marie Beneziano. My opinions are based on the records presented to me for review and are subject to modifications as discovery progresses in this case or may otherwise become appropriate.
5. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Bonnie Tadrick RN-BC, LNC, CWCA  
Bonnie Tadrick, RN-BC, LNC, CWCA

STATE OF NEW JERSEY

COUNTY OF SurrySworn and subscribed to me before this 19th of April 2011

Susan A. Wilke  
Susan A. Wilke  
Notary Public of New Jersey  
Commission Expires 09/03/2011

Jun. 16. 2011 4:28PM

No. 8219 P. 36

## Directory of Superior Court Deputy Clerk's Offices County Lawyer Referral and Legal Services Offices

<b>ATLANTIC COUNTY:</b> DEPUTY CLERK OF THE SUPERIOR COURT CIVIL DIVISION, DIRECT FILING 1201 BACHARACH BLVD., FIRST FL ATLANTIC CITY, NJ 08401- LAWYERS REFERRAL: (609)345-3444 LEGAL SERVICES: (609)348-4200	<b>BERGEN COUNTY:</b> DEPUTY CLERK OF THE SUPERIOR COURT CIVIL DIVISION, ROOM 115 JUSTICE CENTER, 10 MAIN STREET HACKENSACK, NJ 07601 LAWYERS REFERRAL: (201)488-0044 LEGAL SERVICES: (201)487-2166	<b>BURLINGTON COUNTY:</b> DEPUTY CLERK OF THE SUPERIOR COURT CENTRAL PROCESSING OFFICE ATTN: JUDICIAL INTAKE FIRST FL, COURTS FACILITY 49 RANCOCAS ROAD MOUNT HOLLY, NJ 08060 LAWYERS REFERRAL: (609)261-4862 LEGAL SERVICES: (800)496-4570
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<b>PASSAIC COUNTY:</b> DEPUTY CLERK OF THE SUPERIOR COURT CIVIL DIVISION COURT HOUSE 77 HAMILTON STREET PATERSON, NJ 07505 LAWYERS REFERRAL: (973)278-9223 LEGAL SERVICES: (973)523-2900	<b>SALEM COUNTY:</b> DEPUTY CLERK OF THE SUPERIOR COURT ATTN: CIVIL CASE MANAGEMENT OFFICE 92 MARKET STREET SALEM, NJ 08079 LAWYERS REFERRAL: (856)678-8363 LEGAL SERVICES: (856)451-0003	<b>SOMERSET COUNTY:</b> DEPUTY CLERK OF THE SUPERIOR COURT CIVIL DIVISION P.O. BOX 3000 40 NORTH BRIDGE STREET SOMERVILLE, NJ 08876 LAWYERS REFERRAL: (908)685-2323 LEGAL SERVICES: (908)281-0840
<b>SUSSEX COUNTY:</b> DEPUTY CLERK OF THE SUPERIOR COURT SUSSEX COUNTY JUDICIAL CENTER 43-47 HIGH STREET NEWTON, NJ 07860 LAWYERS REFERRAL: (973)267-5882 LEGAL SERVICES: (973)883-7400	<b>UNION COUNTY:</b> DEPUTY CLERK OF THE SUPERIOR COURT 1 <sup>ST</sup> FL, COURT HOUSE 2 BROAD STREET ELIZABETH, NJ 07207 LAWYERS REFERRAL: (908)353-4715 LEGAL SERVICES: (908)354-4340	<b>WARREN COUNTY:</b> DEPUTY CLERK OF THE SUPERIOR COURT CIVIL DIVISION OFFICE 413 SECOND STREET BELVIDERE, NJ 07823 LAWYERS REFERRAL: (973)267-5882 LEGAL SERVICES: (908)475-2010